



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 2422-00  
28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 20 April 1964 at the age of 18. Your record reflects that on 5 November 1964 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and failure to go to your appointed place of duty. The punishment imposed was extra duty and restriction for 20 days and a \$25 forfeiture of pay.

Your record further reflects that on 2 January 1965 you received NJP for larceny and were awarded a \$20 forfeiture of pay and correctional custody for 10 days. Shortly thereafter, on 30 January 1965, you were convicted by special court-martial (SPCM) of a two day period of UA and missing the movement of your ship. You were sentenced to reduction to paygrade E-1, confinement at hard labor for four months, and a \$200 forfeiture of pay. On 20 July 1965 you were convicted by SPCM of a 24 day period of UA and were sentenced to confinement at hard labor for two months, reduction to paygrade E-1, and forfeitures totalling \$110.

Your record also reflects that on 24 January 1966 you were convicted by SPCM of two periods of UA totalling 40 days. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, a \$300 forfeiture of pay, and a bad conduct discharge (BCD). However, the BCD was suspended for six months. On 20 October 1966 you were convicted for the fourth time by SPCM of disrespect, resisting arrest, two incidents of drunk and disorderly conduct, and assault. You were sentenced to a \$450 forfeiture of pay, confinement at hard labor for six months, a reduction in rate, and a BCD.

On 23 March 1967 you received NJP for failure to go to your appointed place of duty and were awarded a \$25 forfeiture of pay. On 3 February 1967 you submitted a written request for a general discharge and asserted that you were unfairly tried by court-martial. This request was subsequently denied and the BCD, after being approved at all levels of review, was ordered executed. On 18 April 1967 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your family problems were the cause of your discharge. Further, the Board considered your request for recharacterization of your discharge so that you may obtain veteran's benefits. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct which resulted in three NJPs and four court-martial convictions. The Board also noted that your misconduct continued even after the BCD had been suspended. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director